

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERT LEE McDONALD,)	
)	
Plaintiff,)	
v.)	NO. CIV-12-883-HE
)	
CAROLYN W. COLVIN, acting)	
Commissioner, Social Security)	
Administration)	
)	
Respondent.)	

ORDER


Plaintiff Robert Lee McDonald filed this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the Commissioner’s final decision denying his application for disability insurance benefits and supplemental security income payments under the Social Security Act. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Suzanne Mitchell, who recommends that the decision be reversed and remanded for further proceedings. Objections to the magistrate judge’s Report and Recommendation were due by December 9, 2013.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Accordingly, the court **ADOPTS** Magistrate Judge Mitchell’s Report and

Recommendation [Doc. #23], and the decision is **REVERSED** and **REMANDED** for further proceedings.

IT IS SO ORDERED.

Dated this 17th day of December, 2013.



JOE HEATON
UNITED STATES DISTRICT JUDGE